

Entered - 6-21-01 - sb
CL 01L0396 - GWENDOLYN BURNS

CLAIM OF: Earlie Mae Harper
Through her attorney
VICTOR ALAN McLEMORE
1151 Cleveland Avenue, Suite A
East Point, Georgia 30344

01- R -1257

For property damages alleged to have been sustained as a result
of a continuous erosion problem due to the storm water overflow
from Proctor Creek on August 2000 to the present date at 2831
Marco Drive.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL SEP 04 2001

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: AUG 14 2001

CHAIR: C. T. Martin

[Signature]

[Signature]

[Signature]

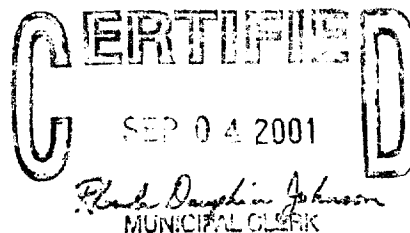
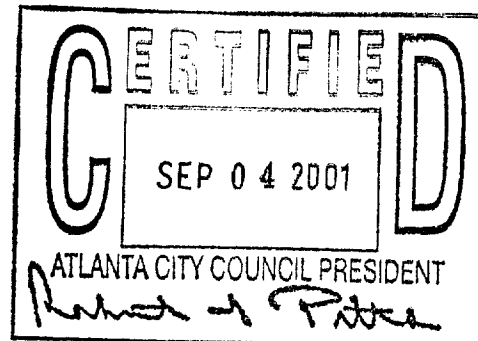
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OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

September 12, 2001

Victor Alan McLemore
Attorney at Law
1151 Cleveland Ave.
Suite A
East Point, Georgia 30344

01-R-1257

RE: Earlie Mae Harper

Dear Attorney McLemore:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on September 04, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0396

Date: August 1, 2001

Claimant /Victim EARLIE MAE HARPER
 BY: (Atty) (Ins. Co.) VICTOR ALAN MCLEMORE, P.C.
 Address: 1150 Cleveland Avenue, Suite A, East Point, Georgia 30344
 Subrogation: _____ Claim for Property damage \$ unspecified Bodily Injury \$ _____
 Date of Notice: 6/12/01 Method: Written, Proper X Improper _____
 Conforms to Notice: O.C.G.A. §36-33-5 _____ X Ante Litem (6 Mo.) _____ X
 Date of Occurrence 8/00 - present Place: 2830 Marco Drive
 Department PUBLIC WORKS Division Technical Services
 Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that her yard is being eroded away as a result of the continuous water overflow problems from Proctor Creek. However, the issues of this claim have been addressed by the Department of Public Works. Rehabilitation construction has already been scheduled to improve the storm water flow conditions in Proctor Creek.

INVESTIGATION:

Statements: City employee X Claimant Others Written X Oral
 Pictures Diagrams Reports: Police Dept Report Other X
 Traffic citations issued: City Driver Claimant Driver
 Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces X
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION: /

Pay \$ 1 Adverse ☒ Account charged: 1A01 2J01 2H01
Claims Manager: *[Signature]* Concur/date 08-02-01
Committee Action: Council Action

Victor Alan McLemore, P.C.

Attorney at Law
Windsor Park Professional Center
1151 Cleveland Avenue
Suite A
East Point, Georgia 30344
404-762-5992
Fax (404) 762-5994

June 8, 2001

ENTERED - 6-21-01 - SB
0110396 - GWEN BURNS

Mayor's Office
Attention: Mayor Bill Campbell
55 Trinity Avenue, S. W.
Atlanta, GA 30331

REVIEWED
Mayor's Conciliant Services

JUN 13 2001

Logged:

Date: 6-14-01

Reviewed:
Date:

RECEIVED
MAYOR'S OFFICE

JUN 12 2001

DPW
Law

BURNS
06/19/01
pm

RE: Mrs. Earlie Mae Harper

Dear Mayor Campbell:

Please let this letter serve as notice that Ms. Earlie Mae Harper has contacted our office as a result of the treatment that she has been afforded by the City of Atlanta's social action committee.

Ms. Harper resides at 2831 Marco Drive in Atlanta, beside Proctor Creek. The overflow from Proctor Creek is and has been eroding Ms. Harper's yard. In August of 2000, Mr. Peter Ayendi visited Ms. Harper, acknowledged that there was a problem, and assured her that the problem would be promptly corrected. As of to date, this problem has not been corrected and Mrs. Harper has had no further contact from your office regarding this problem. Ms. Harper is an eighty-five (85) year old woman who contacted your office for help and received no resolution to this problem.

Mrs. Harper is highly disgusted and frustrated with your office and has asked our office to contact channels eleven (11), five (5), and two (2) and make them aware that when senior citizens of the City of Atlanta cry out for help, such help falls upon deaf ears.

On June 7, 2001, my legal assistant, Deborah Brown, contacted your office and learned that Ms. Angela Morgan took the initial call.

Please have Mr. Ayendi or another project manager contact our office in regards to this problem.

Sincerely,

Victor Alan McLemore
Victor Alan McLemore

cc: Ms. Angela Morgan
01-R Mr. 1257 Ayendi

RCS# 3092
9/04/01
3:36 PM

Atlanta City Council

Regular Session

MULTIPLE
1257

Public Safety Consent Agenda except #15

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE